

Roland Shafer, of Ord, NE Complaint from Lawrence French on July 3, 2017

07/03/2017

SUBJECT: FWD: (FIFRA - FY17-158494-3710-CV) Referred to Region - Nebraska
FROM: french.lawrence@epa.gov
TO: frizzell.damon@epa.gov
CC: green.jamie@epa.gov

Complaint. Forwarded for review/action. Please update ECO with the resolution of this complaint.

-----Original Message-----

6/30/2017 1:51 PM

HQ LEAD NUMBER: FY17-158494-3710-CV

SUBJECT: Referred to Region - Nebraska

FROM: accustrike@gmail.com

TO:

Name: Roland Shafer

Address: 1107 G St. (3 acres)

City: Ord

State: Nebraska

Zip: 68862

Phone: (308)370-1024

Alleged Violator's Name: Ord City Utility Superintendent and city council

Alleged Violator's Address: POB 96, Ord Nebraska

Alleged Violator's City: Ord

Alleged Violator's State: Nebraska

Alleged Violator's Zip: 68862

Tip or Complaint: The city of Ord has been asked and pleaded with to not spray for mosquitoes on our organic garden. I have contacted the local officials and they have no interest in stopping. The poison spraying truck drove on my personal property and sprayed our organic garden. My son stopped the sprayer truck and was sent to jail for obstructing a government operation. This is again another case of a vindictive utilities superintendent using his position to have my son arrested. They do not notify the public when they spray. They do not stop spraying when people are outside in the area. They are spraying water ways and ponds. They have unqualified people driving the truck. Please help!

Violation Still Occurring? Yes

State DEP/DEQ/DEM Notified? Yes

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6 July 2017 - Contacted City of Ord, NE (308)728-5791

7 July 2017 - Paul Markowski, City Utilities Superintendent returned phone call - (308)730-1317

Certified applicator: 2 licensed city applicators, participate annually in the NE Mosquito & Vector Control Association certification training program.

Date of application: Not certain of date, prior to the "Bike Across America" event.

Purpose for application: Customer complaints (city residents) of adult, biting mosquitoes. Only one application this year to date.

Product used: Biomist 3+15 (EPA Reg. No. 8329-33)

Notify public: No requirement to notify public when used by federal, state, tribal or local government officials responsible for public health or vector control.

City municipal codes in place: No, refer to State and Federal regulations / Label

Equipment used in application referenced: Thermal aerosol generator, tested & calibrated annually.

"Spraying while people are outside in the area" - Depending on the situation, mosquito control officials may safely apply these insecticides from spray equipment mounted on trucks, airplanes or helicopters. All insecticides used in the U.S. for public health use have been approved and registered by the EPA following the review of many scientific studies. The EPA has assessed these chemicals and found that, when used according to label directions, they do not pose unreasonable risk to public health and the environment.

"Spraying waterways and ponds" – Label directions state "Do not apply over bodies of water (lakes, rivers, permanent streams, natural ponds, commercial fish pond, swamps, marshes, or estuaries), except when necessary to target areas where adult mosquitoes are present ..." The label directions prohibit the direct application of this chemical into surface waters. In the case of mosquito applications applied for the purpose of public health, by local government officials, indirect contact with surface waters is not considered a "direct application".

"Unqualified people driving application truck" - The truck driver is not required to be licensed when accompanied by a licensed applicator.

Additional information: Applications for mosquito control are typically made from public access roads. Exceptions are made for private property in the city limits in which residents request control. In the incident noted by the complainant above, the private property at the residence of Josh Jess was sprayed by request. Mr. Markowski indicated an agreement following the incident was made in which Mr. Jess would not spray along the west border of his property in the future. The private property from which the application was made did not belong to Mr. Roland Shafer.

Reference information: Letter dated June 16, 2017 from Tim Creger, NDA to Roland Shafer, Ord, NE.

File Name: R. Shafer- Ord NE complaint.docx

Location: \\G0707HKCEC001\Root Share\Regional\WWPD\TOPE\PESTICIDES\Nebraska Department of Agriculture\NE Pesticide Incident Reports - Complaints

